IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF NOVEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.8021 of 1997

Between:

1. Ganapathireddy Malleswaramma, w/o. Ranga Reddy, 35 years

2. G. Raja Reddy, s/o.Tirupal Reddy, 40 years.

3. C.Venkataswamy, s/o. Yellaiah, 45 years

4. E.Ramalakshumma,w/o.Krishna Reddy, 45 years.

5. G.Venkatasubba Reddy s/o.Paraiah, 60 years.

6. A.Subbamma w/o. Penchalaiah, 60 years.

7. M.Subbamma, w/o. Penchalaiah, 60 years.

8. V.Subbarayudu, s/o.Subbaramaiah, 45 years.

9. N.Lakshumma w/o. Subba Reddy, 50 years.

10. S.Masthan Saheb, s/o.Dasthagiri Saheb, 60 years.

11. N.Adinarayana Reddy, s/o.Chinnappa Reddy, 45 years.

12. N.Subbarayudu, s/o.Chinappa Reddy, 50 years.

13. N.Adinarayanareddy s/o. Chinnaiah, 45 years.

14. S.Jayarami Reddy, s/o. Kasthuri Reddy, 45 years.

15. N.Ramasubba Reddy s/o.N.Subba Reddy, 35 years.

16. N.Ramana Reddy s/o. Subba Reddy, 40 years.

17. R.Subbamma w/o. Subbareddy, 50 years.

18. C.Venkateswara Reddy, s/o.Venkataswamy, 44 years.
19. E.Yellamma, w/o.Narayanareddy, 48 years.
20. A.Lakshumma w/o.Lakshmi Reddy, 38 years.
21. K.Chinnegangireddy s/o.Penchal Reddy, 55 years.
22. K.Vijayamma w/o.Gadireddy Sitaramareddy, 28 years.
23. A.Venkatasubbamma, w/o.Veera Reddy, 45 years.
24. K.Sreenivasulu Reddy s/o.Chinna Gangireddy, 35 years.
25. K.Rajamma, w/o.Narasimhareddy, 48 years.
26. K.Pedda Gangireddy, s/o.Penchalreddy, 60 years.
27. D.Narasimha Reddy s/o.Nagireddy, 50 years.
28. D.Penchalaswamy s/o.Narasimhareddy, 30 years.
29. C.Jayaramireddy, s/o.Yellareddy, 45 years.
30. N.Venkatasubbareddy s/o. Venkateswararareddy, 35 years.
31. N.Venkateswararareddy, s/o.Venkataswamyreddy, 42 years.
32. N.Subbamma w/o. Penchalreddy, 60 years.
33. N.Venkataswamy Reddy, s/o. Chinnappa Reddy, 50 years.
34. V.Subbamma, w/o. Dasaradharamireddy, 35 years.
35. N.Lakshminarasamma, d/o.Venkataswamyreddy, 35 years.
36. C.Venkataswamy, s/o. Ramaswamy, 60 years.
37. C.Ramakrishnareddy s/o. Ramaswamy, 48 years.
38. M.Ramaiah, s/o.Pitchireddy, 50 years.
39. N.Subba Reddy, alias Mekalakadisubbareddy,

s/o.Venkataswamy, 55 years.

40. P.Ramanareddy, s/o. Chinna Venkataswamy, 38 years.
41. P.Vengal Reddy s/o. Chinna Venkatasamy, 35 years.
42. N.Venkataswamyreddy s/o. Venkataswamy, 50 years.
43. N.Sreenivasulureddy, s/o.Venkataswamy, 40 years.

44. N.Madanmohan Reddy, s/o.Venkataswamyreddy, 35 years.

45. G.Chinnapareddy, s/o.Venkatareddy, 60 years.

46. S.Venkatakonda Reddy s/o. Butchireddy, 55 years.

47. N.Mallemkonda Reddy, s/o. Kondareddy, 50 years.

48. V.Subbarayudu, s/o. Subbaramaiah, 60 years.

49. V.Venkataswamy, s/o. Subbarayudu, 40 years.

50. A.Yanadaiah, s/o. Kondaiah, 48 years.

51. A.Ramana, s/o. Chinna Kondaiah, 55 years.

52. M.Yanadaiah s/o. Penchalaiah, 48 years.

53. K.Subbarayudu, s/o. Bujjaiahgari Subbarayudu, 45 years.

54. K.Venkateswarlu s/o. Bujjaiahgari Subbarayudu, 40 years.

55. K.Subbareddy s/o. Bujjireddy, 55 years.

56. K.Chelama Reddy s/o. Subbareddy, 38 years.

57. S.Hussain Saheb s/o. Khaja Saheb, 60 years.

58. P.Kamakshaiah, s/o. Kelaiah, 38 years.

59. C.Y. Kasamma, w/o. Kondaiah, 65 years.

60. C.Bodaiah, s/o. Kondaiah, 55 years.

61. C.Jallaiah, s/o. Kondaiah, 48 years.

62. A.Sankara Reddy s/o. Subbareddy, 48 years.

63. A.Mallikarjunareddy s/o. Subbareddy, 38 years.

64. A.Chinna Sambaiah, s/o. Subbareddy, 38 years.

65. K.Ramanareddy, s/o. Subbareddy, 45 years.

66. K.Kanthamma d/o. Subbareddy, 38 years.

67. K.Narayanareddy s/o. Venkatasubbareddy, 55 years.

68. K.Venkatasubbaiah s/o. Bujjaiah, 54 years.

69. Y.Addemma, w/o. Subba Reddy, 48 years.

70. P.Venkatareddy s/o. Kondareddy, 50 years.

71. P.Venkateswarareddy s/o. Kondreddy, 38 years.

72. C.Subbamma, w/o. Balasubbaiah, 58 years.

73. C.Penchalaiah s/o. Sanjeevi Kondaiah, 65 years.

74. C.Chinna Narasimhulu, s/o. Pedda Penchalaiah, 46 years.

75. C.Lakshminarasaiah s/o. Chinna Penchalaiah, 38 years.

76. C.Subbarayudu s/o. Pedda Penchalaiah, 50 years.

77. K.Lakshmidevamma w/o Bujji Reddy, 60 years.

78. K.Subbaratnamma d/o. Venkatasubbareddy, 40 years.

79. M.Parvathamma, w/o. Gangaiah, 38 years.

80. M.Subbaiah, s/o. Penchalaiah, 48 years.

81. K.Chinnasubba Reddy s/o. Venkatasubbareddy, 60 years.

82. K.Venkateswarareddy s/o.Chinnasubbareddy, 38 years.

83. G.Chennamma w/o. Kasireddy, 60 years.

84. V.Sarojamma w/o. Dasaradharamireddy, 60 years.

85. N.V.Subbareddy, s/o. Rosireddy, 43 years.

86. N.Sreenivasulureddy, s/o. Subbareddy, 40 years.

87. N.Narayanareddy s/o. Subbareddy, 45 years.

88. N.Ramasubbamma, w/o. Subbareddy, 40 years.

89. N.Paramma w/o. Rosireddy, 60 years.

90. N.Venkatasivaprasad Reddy, s/o.Subbareddy, 35 years.

91. N.Rosi Reddy s/o. Gangireddy, 70 years.

92. K.Subbamma w/o. Narasimhareddy, 50 years.

93. K.Venkatasubbamma w/o. Ramanareddy, 50 years.

94. N.Venkatasubbamma w/o. Chalamreddy, 50 years.

95. CH.Venkataswamy Reddy s/o. Pakkiraiahgari Yellareddy, 45 years.

96. P.Bujjireddy s/o. Chinna Ramireddy, 50 years.

97. K.Venkata Subbareddy, s/o. Bujjireddy, 50 years.

98. S.Sankaramma w/o. Ramachandra Reddy, 48 years.

99. P.Jayaramireddy s/o. Ramakrishna Reddy, 42 years.

100. K.Subbareddy, s/o. Nagireddy, 48 years.

101. K.Subbareddy s/o. Nagireddy, 45 years.

102. Y.Nagabhushanam s/o. Subbarayudu, 40 years.

103. V.Ramamma w/o. Kondaiah, 48 years.

104. M.Kondamma w/o. Ramanaiah, 50 years.

105. N.Venkatasubbamma d/o. Subbareddy, 30 years.

106. N.Mallem Kondamma w/o. Chinna Subbareddy, 50 years.

107. N.Suseelamma d/o. Chinna Subbareddy, 28 years.

108. G.Subbamma w/o. Subbaiah, 60 years.

109. M.Subbarayudu, s/o. Venkataiah, 50 years.

110. G.Chinnaiah, s/o. Kondaiah, 50 years.

111. G.Kondaiah s/o. Pitchaiah, 80 years.

112. G.Ramanaiah s/o. Chinnaiah, 38 years.

113. G.Atchamma w/o. Subbaiah, 55 years.

114. G.Venkataswamy s/o. Kondaiah, 45 years.

115. K.Subbareddy s/o. Balasubbareddy, 48 years.

116. K.Narayanareddy s/o. Balasubbareddy, 38 years.

117. K.Venkatasubbareddy s/o. Balasubbareddy, 45 years.

118. G.Ramanamma w/o.Seshareddy, 40 years.

119. M.Yellareddy s/o. Venkatasubba Reddy 52 years.

120. M.Venkataswamy s/o. Venkatasubbareddy, 45 years.

121. M.Ramireddy s/o. Venkatasubbareddy, 45 years.

122. M.Narayanamma w/o. Hanuma Reddy, 40 years.

123. P.Chenchamma w/o. Chinna Venkata Swamy, 60 years.

124. P.Pedda Venkataswamy s/o. Pitchi Reddy, 65 years.

125. P.Krishna Reddy s/o. Venkataswamy Reddy, 45 years.

126. K.Subbareddy s/o. Kotireddy, 50 years.

127. K.Ramanamma d/o. Chalamreddy, 45 years.

128. K.Neelamma d/o. Chalama Reddy, 35 years.

129. M.V.Subbaiah s/o. Venkatasubbaiah, 48 years.

130. C.Chinnakka w/o. Nagireddy, 45 years.

131. CH.Subbareddy s/o. Nagireddy, 60 years.

132. M.V.Subbaiah (N.Kondareddy –died) s/o.Nagireddy, 60 years.

133. N.Siva Reddy s/o. Narasareddy, 38 years.

134. V.Sujatha w/o. Ramireddy, 38 years.

135. N.Subbareddy s/o. Pitchi Reddy, 60 years.

136. B.Lakshumma w/o. Ankireddy, 60 years.

137. M./Venkata Subbareddy s/o. Venkatasubbareddy, 45 years.

138. M.Ramasubbareddy s/o.Venkatasubbareddy, 45 years.

139. S.Subbarayudu, s/o. Subbanna 55 years.

140. Y.Chandrasekhar, s/o. Subbarayudu, 50 years.

141. Y.Kameswara Rao s/o. Subbarayudu, 45 years.

142. Y.Savithramma w/o. Subbarayudu, 40 years.

143. Y.Nagarjuna Rao s/o. Subbarayudu, 38 years.

144. Nellore Padmavathamma w/o. Venkatasubbaiah, 40 years.

145. E.Penchalamma w/o. Ella Reddy, 60 years.

146. K.Subbamma w/o. Subbareddy, 60 years.

147. K.Ramireddy s/o. Subbareddy, 38 years.

148. K.Gangireddy s/o. Subbareddy, 45 years.

149. T.Gangamma w/o. Konda Reddy, 35 years.

150. K.Venkatasubba Reddy s/o. Nagireddy, 45 years.

151. A.Venkatasubbamma w/o. Balgangadhar Reddy, 38 years.

152. K.Nagireddy s/o. Gangireddy, 60 years.

153. K.Sreenivasulu Reddy s/o. Gangireddy, 35 years.

154. C.Venkata Ramireddy s/o. Yellaiah, 55 years.

155. E.Narasimha Reddy s/o. Yellareddy, 55 years.

156. E.Sreenivasulu Reddy, s/o. Gangireddy, 35 years.

157. K.Chinnappa Reddy s/o. Gangireddy, 50 years.

158. G.Lakshmi Narasamma, w/o. Chennaiah, 65 years.

159. A.Venkatarami Reddy s/o. Pothaiah, 64 years.

160. N.Narayanamma w/o. Dasaratha Ramaiah, 50 years.

161. N.Narayanamma w/o. Dasaratha Ramaiah, 50 years.

162. E.Gangi Reddy s/o. Ellareddy, 50 years.

163. E.Brahmaiah s/o. Gangireddy, 38 years.

164. E.Chandrasekhar Reddy s/o.Lakshmireddy, 40 years.

165. E.Penchal Reddy s/o. Ellareddy, 62 years.

166. D.Savithramma w/o. D.Seethareddy, 50 years.

167. D.Eshwara Reddy s/o. D.Seethareddy, 40 years.

168. C.Ankamma w/o. Rosireddy, 60 years.

169. C.Yellareddy s/o. Rosireddy, 40 years.

170. C.Ramasubbareddy, s/o. Rosireddy, 40 years.

171. C.Rosi Reddy s/o. Ramireddy, 65 years.

172. M.Venkatasubba Reddy s/o. Subbareddy, 38 years.

173. N.Narayanamma w/o. Dasaratharamaiah, 50 years.

174. E.Parvathamma w/o. Sankar Reddy, 48 years.

175. M.Krishna Reddy s/o.Venkatasubbaiah, 45 years.

176. M.Venkatasubba Reddy s/o. Venkataswamy, 65 years.

177. V.Pratap Reddy s/o. Ramanareddy, 38 years.

178. N.Sarojamma w/o. Narasareddy, 50 years.

179. N.Prasunamma w/o. Venkatasubba Reddy, 45 years.

180. C.Gangireddy s/o. Subbareddy, 40 years.

181. C.Venkatasubba Reddy s/o. Subba Reddy, 32 years.

182. C.Rosi Reddy s/o. Nagaiah, 65 years.

183. B.Gurramma w/o. Ramaswamy, 50 years.

184. B.Ramulamma w/o. Subbareddy, 40 years.

185. C.Santaiah, s/o. Yellaiah, 50 years.

186. G.Chinnappa Reddy s/o.Yellareddy, 65 years.

187. G.Krishna Reddy s/o. Chinnappa Reddy, 45 years.

188. G.Bhaskar Reddy s/o. Chinnappa Reddy, 38 years.

189. G.Ramana Reddy s/o. Chinnappa Reddy, 42 years.

190. K.Ramasubba Reddy s/o. Balasubbareddy, 52 years.

191. K.Bala Ravindra Reddy s/o. Venkatasubbareddy, 32 years.

192. V.Narayanamma w/o. Sankar Reddy, 35 years.

193. A.Venkataswamy s/o. Lakshmireddy, 52 years.'

194. A.Dasaratha Rami Reddy s/o.Lakshmireddy, 40 years.

195. A.Ramireddy s/o. Lakshmireddy, 42 years.

196. A.Sreenivasulu Reddy s/o. Lakshmireddy, 38 years.

197. Y.Lakshmamma w/o. Subbareddy, 60 years.

198. K.Indiramma w/o. Krishnaiah, 42 years.

199. G.Sivaramireddy s/o. Subbareddy, 38 years.

200. Y.Venkatasubbamma d/o. Subbareddy, 35 years.

201. Y.Padmavathamma d/o. Subbareddy, 30 years.

202. P.Polamma w/o. Chinna Rosi Reddy, 65 years.

203. P.Chenchamma w/o. Chinna Venkataswamy, 60 years.

204. P.Krishna Reddy s/o. Polireddy, 48ys.

205. A.Venkatasubbamma w/o Krishna Reddy, 40 years.

206. P.Varadareddy s/o. Polireddy 42 years.

207. G.Yellamma w/o. Narasimha Reddy, 55 years.

208. G.Ramana Reddy s/o. Narasimha Reddy, 38 years.

209. G.Ramireddy s/o. Narasimha Reddy 35 years.

210. G.Ramana Reddy s/o. Penchal Reddy, 38 years.

211. S.Ramanamma, w/o. Narayanareddy, 30 years.

212. Sundu Bujjamma w/o. Chinna Venkatareddy, 35 years.

213. N.Thimma Reddy s/o. Pitchi Reddy, 42 years.

214. E.Subbarayudu, s/o. Venkataswamy, 65 years.

215. N.Penchal Reddy s/o. Pitchi Reddy, 48 years.

216. E.Veeramma w/o. Venkataswamy, 68 years.'

217. E.Yellamma w/o. Subba Reddy, 60 years.

218. S.Nageshwaramma w/o. Subba Reddy, 40 years.

219. E.Venkatareddy s/o. Subbarayudu, 40 years.

220. E.Venkataseshaiah s/o. Subbarayudu, 35 years.

221. M.Lakshikanthamma w/o. Penchalaiah, 50 years.

222. A.Venkatamma w/o. Yellaiah, 40 years.

223. M.Penchalaiah, s/o. Subbaiah, 55 years.

224. M.Narasaiah s/o. Penchalaiah, 40 years.

225. G.Venkata Subbaiah s/o. Vengaiah, 38 years.

226. M.Ademma w/o. Kondaiah, 65 years.

227. M.Lakshmamma w/o Penchalaiah, 40 years.

228. M.Mahalakshmamma w/o Penchalaiah, 65 years.

229. A.Subramanyam, s/o. Chinna Yellaiah, 38 years.

230. A.Savithramma d/o. Balaiah, 35 years.

231. M.Yanadhi s/o. Penchalaiah, 55 years.

232. A.Subbamma w/o. Kondaiah, 50 years.

233. A.Subbarayudu s/o. Chinna Yelaiah, 38 years.

234. M.Pitchamma w/o. Gangaiah, 65 years.

235. M.Reddaiah s/o. Kamakshaiah, 45 years.

236. E.Santhamma w/o. Subba Reddy, 65 years.

237. M.Subba Reddy, s/o. Rosireddy, 50 years.

238. E.Ramulamma w/o. Narayanareddy, 45 years.

239. C.Subba Reddy s/o. Yella reddy, 46 years.

240. M.Narayanamma w/o. Chinna Rosireddy, 60 years.

241. A.Gangi Reddy s/o. Maya Ravana Reddy, 35 years.

All are residents of Kuruguntlapalle,

Vontimitta Mandal, Cuddapah District.

.. Petitioners

AND

1. The Special Deputy Collector and
   Land Acquisition Officer, Unit IV,
   Somasila Project, Rajampet,
   Cuddapah District.
2. The Government of Andhra Pradesh,
   represented by its Secretary,
   Irrigation and C.A.D. Department,
   A.P. Secretariat, Hyderabad.

.. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ holding the action of the 1st respondent in not making reference to the Court under Section 18 of the Land Acquisition Act 1894 in respect of land and structures of the petitioners in Kuruguntlapalle village, Vontimitta Mandal, Cuddapah District as illegal, arbitrary, unreasonable and opposed to the second proviso to Article 31-A and Article 300-A of the Constitution of India and further direct the 1st respondent to make a reference under Section 18 of the said Act to the Court in respect of the land and structures of the petitioner covered by Award No.19/86.

Counsel for the petitioners : Sri K.Somakonda Reddy

Counsel for the respondents : Government Pleader for Land Acquisition

The Court made the following :

ORDER:

Heard Sri Somakonda Reddy, the learned Counsel representing the petitioners and the learned Assistant Government Pleader for Land Acquisition.

The Writ Petition is filed for a writ of mandamus or any other appropriate writ holding the action of the 1st respondent in not making reference to the Court under Section 18 of the Land Acquisition Act 1894 in respect of land and structures of the petitioners in Kuruguntlapalle village, Vontimitta Mandal, Cuddapah District as illegal, arbitrary, unreasonable and opposed to the second proviso to Article 31-A and Article 300-A of the Constitution of India and further direct the 1st respondent to make a reference under Section 18 of the said Act to the Court in respect of the land and structures of the petitioner covered by Award No.19/86.

It is stated that the objections were filed within time and despite the same, the reference was not made. No counter affidavit is filed denying the allegations made in the affidavit filed in support of the Writ Petition. However, the learned Assistant Government Pleader for Land Acquisition would submit that on the ground of laches since the writ petitioners approached this Court at a belated stage, the Writ Petition may have to be dismissed.

This is a matter where the objections were raised at the appropriate time but though the respondents are duty bound to make reference, the reference was not made in accordance with the provisions of the Land Acquisition Act, 1894 and when the parties are deprived of the property and when it is to be enquired into the reasonable

compensation, it would not be just and proper to dismiss the Writ Petition on the ground of laches especially in the absence of any counter affidavit forthcoming from the side of the respondents.

In view of the facts and circumstances, the 1st respondent is hereby directed to make a reference to the Court under Section 18 of the Land Acquisition Act, 1894 in relation to the land and structures of the petitioners of Kuruguntlapalle village, Vontimitta Mandal, Cuddapah District in accordance with the provisions of the Land Acquisition Act 1894 and further proceed with the matter in accordance with law within a period of two months from the date of receipt of this order. The Writ Petition is accordingly disposed of. No order as to costs.

P.S.Narayana.,J

Date : 9-12-2004

AM

To:

1. The Special Deputy Collector and
   Land Acquisition Officer, Unit IV,
   Somasila Project, Rajampet,
   Cuddapah District.
2. The Secretary, Government of Andhra Pradesh,
   Irrigation and C.A.D. Department
   A.P. Secretariat,
   Hyderabad.

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